

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

**WAYNE ARNOLD**, individually and on behalf  
of those similarly situated,

Plaintiff,

v.

**HEART TO HEART AMBULANCE  
SERVICE, INC. D/B/A HART TO HEART  
TRANSPORTATION**,

Defendant.

No.

**CLASS ACTION COMPLAINT**

Wayne Arnold (“Plaintiff”), individually and on behalf of those similarly situated former employees as defined herein, bring this suit against Hart to Heart Ambulance Service Inc, d/b/a Hart to Heart Transportation (“Defendant”), by way of this Class Action Complaint, alleging as follows:

**NATURE OF THE ACTION**

1. This is a Class Action Complaint brought under the Worker Adjustment and Retraining Notification Act, 29 U.S.C. §§ 2101–2109 (the “WARN Act”), by the Plaintiff on his own behalf and on behalf of the other similarly situated persons against Defendant, his employer for WARN Act purposes.

2. Defendant is an employer incorporated in Maryland at 355 Granary Road, Forest Hill, MD 21050 (“Company”).

3. Defendant is registered as a Foreign Business Corporation in Pennsylvania with incorporation number 3757639.

4. Upon information and belief, the terminations that are the subject of this Complaint all occurred out of Pennsylvania business locations.

3. Upon information and belief, Defendant abruptly terminated at least 120 employees, including Plaintiff, unilaterally and without proper notice to employees or staff.

4. Plaintiff was terminated on or around April 9, 2025, as part of a mass layoff without proper notice.

5. Plaintiff brings this action on behalf of himself and other similarly situated former employees who worked for Defendant and were terminated as part of the foreseeable mass lay off or plant closing ordered by Defendant on or around April 9, 2025 and within 90 days of that date and who were not provided 60 days' advance written notice of their terminations by Defendant, as required by the WARN Act.

6. Plaintiff and other similarly situated employees should have received the full protection afforded by the WARN Act.

#### **JURISDICTION AND VENUE**

7. This Court has jurisdiction over this matter pursuant to 28 U.S.C § 1331 and 29 U.S.C. § 2104(a)(5).

8. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) and 29 U.S.C. § 2104(a)(5).

#### **PARTIES**

9. At all times herein relevant, the Representative Plaintiff was a member of the class (as defined below)

10. Plaintiff Wayne Arnold is a citizen of the United States and resident of Pennsylvania. Plaintiff was employed by Defendant at all relevant times. Plaintiff worked as a

street safety supervisor. He was employed by Defendant from September 2024 through April 2024 and is an “aggrieved employee” within the meaning of 29 U.S.C. § 2104(a)(7). He was terminated without cause and did not receive 60 days’ notice of termination.

11. Defendant is incorporated as Hart to Heart Ambulance Service, Inc at 355 Granary Road, Forest Hill, MD 21050 and registered as a Foreign Business Corporation in Pennsylvania.

12. Upon information and belief, Defendant conducted business in this district and, at all relevant times, operated the facilities where Plaintiff and the other similarly situated individuals worked or were based at, reported to, and received assignments from.

13. Defendant made the decision to terminate employees, including Plaintiff and those other similarly situated former employees, without 60 days’ advance notice, terminating over 120 employees and 33% of the workforce.

### **FACTS**

14. In early April of 2025, Defendant informed Plaintiff via email that he was being laid off effective April 9, 2025.

15. Defendant did not provide proper WARN Act Notice, 60 days’ in advance, as required by 29 U.S.C. §§ 2101 et seq. even though it planned to abolish, terminate, and/or layoff at least 50 employees and 33% of the employees employed there.

16. Upon information and belief, Defendant laid off employees at two sperate locations in the Philadelphia area without proper notification as required by the WARN Act: 2502 Wheatsheaf Lane, Philadelphia, PA 19137 and 1844 W. Sedgley Ave, Philadelphia, PA 19132.

17. Upon information and belief, no circumstances existed that would have permitted Defendant from reducing the notification period as provided in 29 U.S.C. § 2102(b).

18. By failing to provide its affected employees who were temporarily or permanently terminated on or around April 9, 2025, with proper WARN Act Notices and other benefits, Defendant acted willfully and cannot establish that they had any reasonable grounds or basis for believing its actions were not in violation of the WARN Act.

### **CLASS ACTION ALLEGATIONS**

19. Plaintiff brings his WARN Act claim as a Class Action pursuant to Federal Rule of Civil Procedure 23 on behalf of the following class:

All employees of Defendant who were terminated pursuant to a mass layoff or plant closing (as those terms are defined in the WARN Act) within 90 days of April 9, 2025.

20. Class Action treatment of WARN Act claims is appropriate because all of Federal Rule of Civil Procedure 23's Class Action requisites can be satisfied. For example:

- a. The class includes, upon information and belief, over 200 class members, and, as such, is so numerous that joinder of all the class members is impracticable under these circumstances, thereby satisfying Federal Rule of Civil Procedure 23(a)(1).
- b. Questions of law and fact are common to the class, including, *inter alia*, whether Defendant provided adequate notice of its mass layoff under the WARN Act, 29 U.S.C. § 2102. Thus, Plaintiff satisfies Federal Rule of Civil Procedure 23(a)(2).
- c. Plaintiff is a member of the class and bring claims typical of the claims of other class members. Plaintiff has no interests that are antagonistic to or in conflict with the interests of other class members. Thus, Plaintiff satisfies Federal Rule of Civil Procedure 23(a)(3).

d. Plaintiff will fairly and adequately represent the class and its interests. Moreover, Plaintiff retained competent and experienced counsel who will effectively represent the interests of the class. Thus, Plaintiff satisfies Federal Rule of Civil Procedure 23(a)(4).

21. Class certification is appropriate pursuant to Federal Rule of Civil Procedure 23(b)(1) because the prosecution of separate actions by individual class members would create a risk of inconsistent or varying adjudications which would establish incompatible standards of conduct for Defendant and/or because adjudications with respect to individual class members would as a practical matter be dispositive of the interests of non-party class members.

22. Class certification is appropriate pursuant to Federal Rule of Civil Procedure 23(b)(2) because Defendant acted or refused to act on grounds generally applicable to the Class, making appropriate declaratory and injunctive relief with respect to Plaintiff and the class as a whole.

23. Class certification is appropriate under Federal Rule of Civil Procedure 23(b)(3) because common questions of law and fact predominate over any question affecting only individual class members, and because a Class Action is superior to other available methods for the fair and efficient adjudication for this litigation.

**COUNT I**  
**VIOLATIONS OF THE WARN ACT, 29 U.S.C. §§ 2101, *et seq.***  
**(WARN Act)**  
***(On behalf of Plaintiff and the putative class)***

24. Plaintiff re-alleges and incorporates all preceding paragraphs as if set forth in full here.

25. Defendant is an “employer” within the meaning of the WARN Act, 29 U.S.C § 2101(a)(1).



26. Plaintiff and the putative class were at all relevant times an “affected employee” within the meaning of the WARN Act, 29 U.S.C. § 2101(a)(5).

27. The April 9, 2025, terminations resulted in “employment losses” as defined in 29 U.S.C. § 2101(a)(3)(B)(i)(I) and (II) for at least 33 percent of the employees and at least 50 employees. The ongoing terminations, occurring within any 90-day period, may be aggregated. 29 U.S.C. § 2102(d).

28. The WARN Act requires employers to provide 60-days’ notice of any plant closing or mass layoff “to each representative of the affected employees . . . or, if there is no such representative at that time, to each affected employee,” 29 U.S.C. § 2102(a)(1), and “to the State or entity designated by the State to carry out rapid response activities under [29 U.S.C. §] 3174(a)(2)(A),” as well as to “the chief elected official of the local government within which such closing or layoff is to occur,” 29 U.S.C. § 2102(a)(2).

29. On information and belief, Defendant did not give 60 days’ written notice of the plant closing and/or mass layoff to any “affected employee,” including Plaintiff and those they seek to represent, as that term is defined in 29 U.S.C. § 2101(a)(5). Nor upon information and belief did Defendant give proper 60 days’ written notice to the chief elected official of the local government within which the mass layoff was ordered.

30. Defendant violated the WARN Act by failing to give timely written notice of the mass layoff as required by 29 U.S.C. § 2102(a), which began on or about June 24, 2025.

31. As such, Plaintiff and those he seeks to represent are “aggrieved employees” within the meaning of the WARN Act, 29 U.S.C. § 2104(a)(7).

32. The WARN Act expressly permits an “aggrieved employee” to bring a civil action individually and on behalf of all those similarly situated to seek relief for violations of the provisions of 29 U.S.C. § 2102. See 29 U.S.C. § 2104(5).

33. Moreover, Defendant’s violations of the WARN Act were not in good faith, and Defendant had no reasonable grounds for believing that the plant closing or mass layoff it ordered was not in violation of the notice requirements at 29 U.S.C. § 2102.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for the following relief:

1. Certification of the Class as a Class Action pursuant to Federal Rule of Civil Procedure 23(b), and designation of Plaintiffs as a representative of the Class and counsel of record as Class Counsel.

2. A declaration that Defendant violated the WARN Act;

3. A judgment against Defendant and in favor of Plaintiff and those he seeks to represent for back pay to the fullest extent permitted by the WARN Act, 29 U.S.C. § 2104(a)(1)(A);

4. A judgment against Defendant and in favor of Plaintiff and those he seeks to represent for the loss of benefits, including, but not limited to, medical expenses incurred by Plaintiff and those he seeks to represent during the employment loss, to the fullest extent allowable under the WARN Act, 29 U.S.C. § 2104(a)(1)(B);

5. A finding that Defendant’s violations of the WARN Act were and are willful, not in good faith, and that Defendant has no reasonable grounds for believing that its mass layoff was not in violation of the notice requirements of the WARN Act, 29 U.S.C. § 2102;

6. A judgment against Defendant and in favor of Plaintiff and those he seeks to represent for litigation costs, expenses, attorney's fees to the fullest extent permitted under the WARN Act, 29 U.S.C. § 2104(a)(6), and for discretionary costs pursuant to Federal Rule of Civil Procedure 54(d);

7. A judgment against Defendant for civil penalties to the fullest extent allowable under the WARN Act, 29 U.S.C. § 2104(a)(3); and,

8. Such other and further relief as this Court deems just and proper and allowed under the WARN Act.

Date: July 14, 2025

Respectfully submitted,

BY: /s/ Patrick Howard  
Patrick Howard (PA Atty ID #88572)  
**SALTZ, MONGELUZZI, & BENDESKY, P.C.**  
1650 Market Street, 52nd Floor  
Philadelphia, PA 19103  
Tel: (215) 496-8282  
Fax: (215) 496-0999  
[phoward@smbb.com](mailto:phoward@smbb.com)

J. Gerard Stranch, IV (TN BPR #23045)\*  
**STRANCH, JENNINGS, & GARVEY, PLLC**  
223 Rosa Parks Ave. Suite 200  
Nashville, TN 37203  
Telephone: 615/254-8801  
Facsimile: 615/255-5419  
[gstranch@stranchlaw.com](mailto:gstranch@stranchlaw.com)

Lynn A. Toops\*  
**COHENMALAD, LLP**  
One Indiana Square, Suite 1400  
Indianapolis, Indiana 46204  
(317) 636-6481  
[ltoops@cohenmalad.com](mailto:ltoops@cohenmalad.com)

Samuel J. Strauss\*  
Raina C. Borrelli\*  
**STRAUSS BORRELLI, LLP**  
613 Williamson St., Suite 201



Madison, WI 53703  
T: (608) 237-1775  
F: (608) 509-4423  
[sam@straussborrelli.com](mailto:sam@straussborrelli.com)  
[raina@straussborrelli.com](mailto:raina@straussborrelli.com)

*\*Pro hac vice forthcoming*  
*Attorneys for Plaintiff and Proposed Class*